

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1368 be amended to read as follows:

- 1 Page 6, between lines 27 and 28, begin a new paragraph and insert:
- 2 "SECTION 6. IC 29-1-5-3, AS AMENDED BY HEA 1116-2003,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]: Sec. 3. (a) This section applies to a will executed
- 5 before, on, or after July 1, 2003. A will, other than a nuncupative will,
- 6 ~~may must~~ be ~~attested executed~~ by the signature of the testator and of
- 7 at least two (2) witnesses on: ~~one (1) of the following:~~
- 8 (1) a will under subsection (b);
- 9 (2) a self-proving clause under section 3.1(c) of this chapter; **or**
- 10 (3) a self-proving clause under section 3.1(d) of this chapter.
- 11 (b) A will may be attested as follows:
- 12 (1) The testator, in the presence of two (2) or more attesting
- 13 witnesses, shall signify to the witnesses that the instrument is the
- 14 testator's will and either:
- 15 (A) sign the will;
- 16 (B) acknowledge the testator's signature already made; or
- 17 (C) at the testator's direction and in the testator's presence have
- 18 someone else sign the testator's name.
- 19 (2) The attesting witnesses must sign in the presence of the
- 20 testator and each other.
- 21 An attestation or self-proving clause is not required under this
- 22 subsection for a valid will.
- 23 (c) A will that is executed substantially in compliance with
- 24 subsection (b) will not be rendered invalid by the existence of:
- 25 (1) an attestation or self-proving clause or other language; or
- 26 (2) additional signatures;
- 27 not required by subsection (b).
- 28 (d) A will executed in accordance with subsection (b) is self-proved
- 29 if the witness signatures follow an attestation or self-proving clause or
- 30 other declaration indicating in substance the facts set forth in section
- 31 3.1(c) or 3.1(d) of this chapter.

- 1 (e) This section shall be construed in favor of effectuating the
- 2 testator's intent to make a valid will."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1368 as printed March 21, 2003.)

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Senator BRAY